



Determination by Private Rented Housing Committee

Statement of Decision of the Private Rented Housing Committee issued under

Section 26(1) of the Housing (Scotland) Act 2006

Case reference number: prhp/rp/14/0179

In respect of an application lodged in terms of Section 22(1) of the Housing (Scotland) Act 2006 by Ms Maya Hoffman residing at 17, Barclay Square, Renfrew PA4 8DZ ("the Tenant") against R & J Properties having a place of business at 65, Causeyside Street, Paisley, PA4 8DZ ("the Landlords") with regard to the subjects at 17 Barclay Square, Renfrew PA4 8DZ being the subjects registered in the Land Register for Scotland under Title Number REN42294 ("the Property")

Committee Members

Karen Moore (Chairperson)

Alexander Carmichael (Surveyor Member)

Colin Campbell (Housing Member)

Decision

The Committee determined that the Landlords have failed to comply with the Repairing Standard Enforcement Order in relation to the Property made by the Committee.

Background

1. On 28 January 2015, the Committee issued a determination that the Landlords had failed to comply with the duty imposed on them by Section 14 (1) (b) of the Act in respect that the Property does not meet the Repairing Standard in respect of

Sections 13 (1) (a) and (f) of the Act. On the same date, the Committee issued a Repairing Standard Enforcement Order.

2. The Repairing Standard Enforcement Order required the Landlords to :-

(a) within fourteen calendar days of the date of the Order, to instruct an inspection of and a Report on the entire lower walls and sub floor areas of the Property. The inspection and Report are to be carried out by a competent firm of damp proofing and timber specialists, a competent firm being a firm capable of providing a 30 year timber specialists' guarantee. The inspection and Report should address the extent of the rising and penetrating dampness within the Property, the causes of the said rising and penetrating dampness and should recommend works necessary to remedy the said rising and penetrating dampness and prevent the recurrence of same;

(b) to submit the said Report to the Committee within fourteen calendar days of the date of the Report;

(c) to carry out such works as recommended by the said Report and that within a period of eighty four calendar days from the date of the Report and

(d) to install within the Property a sufficient number of hard wired smoke and heat detectors in compliance with current Building Regulations and the guidance set out in the Domestic Technical Handbook and that within a period of fourteen calendar days from the date of the Order.

3. The Surveyor Member of the Committee attempted a re-inspection of the Property on 29 April 2015 for the purpose of ascertaining whether the repairs required by the RSEO had been completed. The Surveyor Member was unable to gain access to the Property but was advised by Mr, Przybylski, a joint tenant of the Property, that the repairs had not been carried out.

Reasons for the Decision of the Committee

4. Following the Surveyor Member's attempt at a re-inspection, the Surveyor Member's re-inspection report was sent to the Landlords who were invited to make written representation on the report but none was received. The Committee considered arranging a further re-inspection, but were of the view that, given the lack of response from the Landlords the Committee were of the view that there was no real prospect that the Repairing Standard Enforcement Order would be complied with.

5. The Committee were most concerned at the level of dampness in the Property and that the Property had no satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire. The Committee were concerned at the impact that these matters are having on the health and safety of the occupants.

6. The Committee considered whether a Rent Relief Order should be made in terms of Section 27 of the Act and determined that such an order should be made given the Landlord's failure to comply with the Repairing Standard Enforcement Order without reasonable excuse. The Committee then considered the amount by which the rent should be reduced. Given the Committee's concerns in respect of adverse effect which the failure to carry out the repairs is having on the health and safety of the occupants, the Committee determined that a reduction of 50% is appropriate until the repairs have been carried out.

7. The Committee considered that the Rent Relief Order should take effect from the date 28 days after the last date on which the Rent Relief Order decision may be appealed under Section 64 of the Act.

8. The Committee, having made such enquiries as they saw fit for the purposes of determining whether the Landlords have complied with the Repairing Standard Enforcement Order made by them, determined that the Landlords have failed to comply with the Repairing Standard Enforcement Order in terms of Section 26(1) of the Act and that a notice of this failure should be served on the local authority in whose area the property is situated.

9. The Committee then proceeded to make a Rent Relief Order in terms of Section 27 of the Act

10. The decision of the Committee is unanimous

Right of Appeal

11. The parties' attention is drawn to the terms of Section 64 (4) of the Act regarding their right to appeal and the time limit for doing so. It provides that a landlord or tenant aggrieved by a decision of a private rented housing committee may appeal to the Sheriff within a period of 21 days of being notified of the decision.

12. Where an appeal is made, the effect of the appeal is that the determination of the committee is suspended until the appeal is abandoned or finally determined and where the appeal is abandoned or finally determined by confirming the decision, the decision and the

order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed

S O'Neill

Karen Moore, Chairperson

Date 30 July 2015



Rent Relief Order by the Private Rented Housing Committee

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Committee Members

Karen Moore (Chairperson)

Alexander Carmichael (Surveyor Member)

Colin Campbell (Housing Member)

NOTICE TO THE LANDLORDS R & J PROPERTIES,

having a place of business at 65, Causeyside Street, Paisley, PA4 8DZ

Whereas in terms of their decision dated 30 July 2015, the Private Rented Housing Committee determined in terms of Section 26(1) of the Housing (Scotland) Act 2006 (the "Act") that the Landlords have failed to comply with the Repairing Standard Enforcement Order in relation to the Property made by the Committee.

The Committee determined to make a Rent Relief Order in terms of Section 27 of the Act, reducing the rent payable by 50%. The rent reduction will take effect 28 days after the last date on which the decision to make the Rent Relief Order may be appealed under Section 64 of the Act.

A Landlord or a Tenant aggrieved by the decision of the Private Rented Housing Committee may appeal to the Sheriff by summary application within twenty one days of being notified of that decision.

Where such an Appeal is made, the effect of the decision and of the Order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the Order will be treated as having effect from the day on which the appeal is abandoned or so determined.

In Witness Whereof this Order comprising this and the preceding page are signed by Karen Moore, Chairperson of the Private Rented Housing Committee at Glasgow on 30 July 2015 before this witness, Norman William Moore, solicitor, Cumbernauld

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Witness